

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

JUAN VILLAR-SANCHEZ

Petitioner,

v.

JOSEPH MCDONOUGH

Respondent.

Civil Action No. 04-11811-NMG

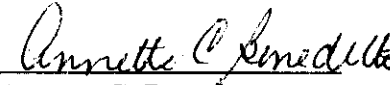
**MOTION TO DISMISS**

The respondent, Joseph McDonough, the Sheriff of Plymouth County, respectfully moves this Court to dismiss the above-captioned petition for writ of habeas corpus for failure to state a claim upon which relief can be granted. Fed. R. Civ. P. 12(b)(6). The petitioner has failed to exhaust state remedies as required by 28 U.S.C. § 2254 (b)(1)(A).

A memorandum in support of this Motion is attached.

Respectfully submitted,

THOMAS F. REILLY  
ATTORNEY GENERAL

  
Annette C. Benedetto  
Assistant Attorney General  
Criminal Bureau  
One Ashburton Place  
Boston, Massachusetts 02108  
(617) 727-2200  
BBO No. 037060